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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,867	07/21/2004	Masahide Ishikawa	040338	8698
23850 7590 02/17/2009 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
NERANGIS, VICKIE MARIE				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
02/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,867

Applicant(s)

ISHIKAWA ET AL.

Examiner

Vickey Ronesi

Art Unit

1796

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12 and 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/6/2009 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.
3. All outstanding rejections have been withdrawn in light of applicant's amendment filed on 1/6/2009.

Claim Objections

4. Claims 9, 10, and 15 are objected to because of the following reasons:

With respect to claims 9 and 15, formula (1) is incorrect given that there should be two heterocyclic groups.

With respect to claim 10, the term --or-- should be reinserted before "component (C)" so that the claim is a complete sentence.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 9-12 and 15-24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 9, 10, and 15, the use of parentheses is improper because it is not made clear if the limitations in the parentheses are a preferred embodiment or actual claim limitations.

With respect to claims 20 and 21, they are improper multiple dependent claims.

With respect to claims 11, 12, 16-19, and 22-24, they are rejected for being dependent on a rejected claim.

Claim Rejections - 35 USC § 103

6. Claims 9-12, 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '165 (JP 10-060165, machine translation) in view of Kobayashi '615 (US 6,238,615).

JP '165 discloses a dibenzylidenesorbitol composition for use with polyolefin containers (paragraph 0002) and having low odor (paragraph 0007) prepared by adding 0.01-50 pbw per 100 pbw dibenzylidenesorbitol of a compound such as hydroxyalkylamine (C3) (Formula 4, paragraphs 0014 and 0050). The composition is added to polyolefin in an amount of 0.05-3 parts by weight per 100 parts by weight polyolefin (paragraph 0059).

JP '165 fails to disclose the use of a saturated or unsaturated aliphatic carboxylic acid having at least one hydroxyl group per molecular (B2).

Kobayashi '615 discloses a composition comprising polyolefin resin and dibenzylidene sorbitol and teaches that the addition of 0.05-20 wt % relative to dibenzylidene sorbitol of a melting point depressant such as 12-hydroxystearic acid (B2) (col. 8, lines 7-17) helps the dibenzylidene sorbitol be dispersed on a molecular level in the polyolefin resin (col. 7, lines 59-67).

Given that JP '165 and Kobayashi '615 disclose polyolefin molding compositions containing dibenzylidenesorbitol, it would have been obvious to one of ordinary skill in the art to utilize the melting point depressant of Kobayahi '615 in the composition of JP '165 to aid the dispersion of dibenzylidene sorbitol in polyolefin.

Claim 11 has been included in this rejection because the limitations in this claim are drawn to an alternative embodiment which is not necessarily positively claimed.

Response to Arguments

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickey Ronesi whose telephone number is (571) 272-2701. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/13/2009
vr

/Vickey Ronesi/
Examiner, Art Unit 1796